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'Making a Murderer: Part 2' Creators Tell All: 'What Happens When Injustice Is Exposed?'

| THE FIGHT FOR JUSTICE |

Filmmakers Laura Ricciardi and Moira Demos discuss the new 10-episode season of their Emmy-winning true-crime phenomenon.

Nick Schager Published Oct. 22, 2018 5:09AM ET



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Upon its premiere in late 2015, Netflix's *Making a Murderer* became an instant phenomenon (and sparked a true-crime documentary renaissance) by bringing to national attention the plight of Manitowoc County, Wisconsin, residents Steven Avery and Brendan Dassey, who in 2005—shortly after Avery was released from prison after serving 18 years for a rape he didn't commit—were charged with the murder of Teresa Halbach.

Filmed over the course of 10 years, during which time Avery and Dassey were convicted and sentenced to life in prison, Laura Ricciardi and Moira Demos' series was an exhaustive examination of injustice, laying bare the devious motivations and tactics (including planting evidence and eliciting a false Dassey confession) used by state and law enforcement officials to put the men behind bars. Depressing and enraging in equal measure, it was an expert non-fiction

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Fans of *Making a Murderer* are thus thrilled by its return for [an all-new 10-episode run](#)—except, of course, that like its predecessor, the series continues to paint a portrait of the legal system that's destined to infuriate.

Charting Avery and Dassey's attempts to exonerate themselves with the aid of new lawyers (famed attorney Kathleen Zellner for Avery; Center on Wrongful Convictions of Youth co-founders Laura Nirider and Steve Drizin for Dassey), Ricciardi and Demos' follow-up affords a detailed look at the myriad obstacles of the post-conviction process, the amazing possibilities afforded by forensic science, and the dogged obstinacy of the state of Wisconsin, which continues to uphold Avery and Dassey's convictions even in the face of

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We spoke with Ricciardi and Demos about their own hope for a just outcome for their subjects, their show's impact on the case, and whether or not a third season is in the cards.

There's cause for some optimism during this second season, but Steven and Brendan are, of course, still behind bars. Has part two made you less hopeful about the justice system's ability to work properly?

Demos: If you think back to why we set out in 2005 to make this, we had identified Steven Avery as this man in this incredibly unique position who had been failed by the system in 1985, and now was stepping back into that same system in 2005. During those twenty years, there had been DNA advances and legislative reforms, and it was the beginning of an era of exonerations and the horror of wrongful convictions. But

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testing that theory—that was the opportunity presented to us. We could step back into it and follow this man and follow what was happening to him, and see how he was treated, and was it significantly different than the first time around?

Making A Murderer:

That is at the forefront of what we're doing: examining how the criminal justice system is working. Is it working as well as it can? And if not, what's at the root of what is going on? The deeper we get into it, and the more we document this, the more complex any potential answers to that question are. That's what we're interested in: the complexity of all of the forces at play. In documenting part two, we certainly enter this new phase, and we knew going in that things were going to take

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you. But to understand in

more detail really what you're up against, just to get your day back in court—that's what we see these lawyers arguing, to just have the opportunity to present their evidence. It's certainly eye-opening about just how many forces outside the criminal justice system create obstacles to this elusiveness of truth, and sometimes elusiveness of justice, that I think we're all hoping for.

From the outset, part two addresses the show's own influence on Avery and Dassey's story. Was the show's phenomenal success surprising? And was the fact that you now had to deal with it—and its own role in the saga—also a challenge?

Ricciardi: We were certainly surprised by the response to the series. We were incredibly grateful that so many people had tuned in and were talking about it, and sharing their experiences of having viewed it and what

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important to acknowledge the response to the series at the start of part two, because we thought it was an important context for part two. We knew that we were going to be documenting our subjects in a changed world. It was likely that our subjects were going to be referring directly to the series itself in sit-down interviews, or maybe other types of scenes that we were shooting with them. We thought we had to acknowledge that in some way, to help contextualize new characters entering the story.

For example, Kathleen Zellner. She had watched part one, and afterwards, she recalled that Steven Avery had written to her in the past, at a time when she wasn't in a position to take his case.

After seeing part one, and having a strong reaction to it, she decided to take his case.

We didn't know whether that was going to make it into the cut, in terms of her backstory regarding taking the case, but

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Part two reveals the state's dogged disinterest in admitting to any kind of mistake. Do you think that, by making the case so high profile, the series itself helped further motivate the state to dig in its heels and not admit wrongdoing—because doing so now would be such high-profile

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happens when injustice is exposed, and how do folks on all sides of that respond. But I think the hypothesis that somehow this extra attention is behind the state of Wisconsin's resistance to admitting potential mistakes —for instance, in the Brendan Dassey case—I think you have to look at what played out in 2003 when Steven gets out of prison, and how invested the attorney general (the lead investigator of the state of Wisconsin) was in making sure that no wrongdoing was admitted. So I don't think we're fueling that behavior in any way. You see it play out in part one, before anybody was as obsessed with this case as they are today.

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or this series. What happens

when injustice is exposed?

That's what we see happening in 2003, 2004, 2005. That's very much what we saw play out outside of the series.

When the series came out, how did the world respond to learning more about something? Having questions asked. Are questions even tolerated in this culture?

That's what you see playing out in part two. That's one of the primary themes of the show, and we think that takes it well beyond the criminal justice system and into what you see playing out in D.C., and all over.

What was your initial impression of Kathleen Zellner, and did it change over the course of the show?

Ricciardi: I think she has an arc, and my hope would be that viewers believe they have a better sense of our subjects—or our characters, for lack of a better word—by the time they've gone on another ten-episode journey with them.

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When you're on a journey with someone like Kathleen Zellner, who's quite active, I think in a way it reveals her character. We've heard people describe her as determined, and tenacious, and thorough, and all of those things. I think viewers can decide for themselves when they go on the journey of this chapter of the story what they believe is revealed about her particular character.

We're very grateful to Kathleen, and to Steven, of course—because he's the client, and it's ultimately up to him whether or not we're granted that type of access. We have a long history with Steven Avery and his family, and I believe we've earned their trust. I think when we met Kathleen, we understood that, for her, her threshold issue in taking any case at the post-conviction stage is about satisfying herself that the client is innocent; that she believes the person has been wrongfully convicted, and is

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want to encourage the other side to be more transparent, so you can document what we're doing.

I think it's also important to keep in mind about Kathleen that she says, in different ways in the ten episodes, that if she were to do testing that would tend to prove Steven's guilt, she would probably withdraw from his case. She has a history of doing that, actually. She's told us that that's happened to her in the past, and she's withdrawn. It's very different to be representing someone like Steven Avery in a post-conviction phase versus the pre-trial phase, where a defense attorney or trial lawyer might not want to know whether or not their client committed the crime, and is just focused on zealously representing a person, and ensuring that the process is fair and that their constitutional rights are protected.

How difficult is it to strike a balance between

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changing part of

making the show?

Demos: I think it comes down to the rigor of our process, and having boundaries, and knowing what the question is going in, and staying true to that. As Laura mentioned, this is a narrative documentary. We have a protagonist, Steven Avery, and he has a loss, and he has a goal. There are obstacles in his way, and we're on that journey with him and with other characters.

What you see represented is people's experiences. One of our rules of thumb is that we only speak to people who are directly involved in the case, and are in the story, and are affected by it. Perhaps none of those people are objective; they're involved, and they're representing their points of view, and that's what we're reflecting back. I think documentary and journalism are quite different, because we're storytellers, and we're following a character, and

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accurately to the best of our ability with each person that does that with us. It's not very difficult to do that, or very complicated, because there are rules and ethics to that, and we're clear on our boundaries and our job.

Given that Steven and Brendan are still imprisoned and working to exonerate themselves, is a season three inevitable?

Ricciardi: It's very up in the air. Real life continues, as it always does. But there are questions to be asked about what's happening: Do we have access? What does the story offer? So we're open, and as usual, asking questions. But nothing is inevitable here.



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